

## REMARKS

Claims 1-44 are pending in this application and stand rejected. By the above amendment, claim 1 has been amended and claim 2 has been canceled without prejudice.

### Claim Rejections – 35 U.S.C. § 102

Claims 1-5, 8-11 and 32-33 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 5,999,970 to Krisbergh. It is respectfully submitted that at the very minimum, Krisbergh is legally deficient to establish a *prima facie* case of anticipation against claims 1 and 32, because Krisbergh does not disclose or suggest, for example, return information signals that are independently transmitted from a television signal, as essentially claimed in claims 1 and 32 (and claim 36 below).

In response to Examiner's "Response to Arguments" on page 2 of the Final Office Action, even assuming that the "command" signals are "information" signals as claimed, Krisbergh clearly does not disclose or suggest a *second communication unit generating at least one return information signal, wherein the at least one return information signal is independently transmitted from a television signal*, as essentially claimed in claims 1 and 32 (and 36 below). Indeed, given Examiner's characterization (one page 3 of the Final Action) of the set top box unit (54) as being the claimed "first communication unit", and the cable headend unit (36) as being the claimed "second communication unit" (see FIG. 1 of Krisbergh), it is clear from FIGs. 4 and 6 of Krisbergh that the "second communication unit" (36) generates a "return information signal" by inserting returned data into the blank intervals of a television signal on a downstream channel (via element 90, FIG. 4) such that the returned data must be extracted from the television signal (via element 92, FIG. 6) in the set top box unit (54). In other words, Krisbergh teaches a set-top box that extracts information signals embedded in the VBI vertical

blanking intervals of TV signals. Thus, Krisbergh does not teach or suggest return information signals that are independently transmitted from a television signal, as essentially claimed in claims 1, 32 and 36.

Accordingly, claims 1 and 32 are believed to be patentably distinct and patentable over Krisbergh. Further, dependent claims 2-5, 8-11 and 33 are patentably distinct and patentable over Krisbergh at least for the same reasons given for respective base claims 1 and 32.

### **Claim Rejections – 35 U.S.C. § 103**

The following claim rejections have been asserted under 35 U.S.C. § 103(a):

Claims 6-7 stand rejected as being unpatentable over Krisbergh in view of U.S. Patent 6,141,356 to Gorman;

Claims 12-14 stand rejected as being unpatentable over Krisbergh in view of U.S. Patent No. 5,561,703 to Arledge;

Claims 15-16 stand as being unpatentable over Krisbergh in view of U.S. Patent No. 5,991,596 to Cunningham;

Claims 17-18 stand rejected as being unpatentable over Krisbergh in view of U.S. Patent No. 6,320,941 Tyroler;

Claims 19-22, 26-28, and 34-35 stand rejected as being unpatentable over Krisbergh in view of U.S. Patent No. 6,263,501 to Schein;

Claims 23-24 stand rejected as being unpatentable over Krisbergh in view of Schein and further in view of U.S. Patent No. 5,812,931 to Yuen;

Claim 25 stands rejected as being unpatentable over Krisbergh in view of Schein and further in view of Yuen and further in view of Arledge;

Claims 29-31 stand rejected as being unpatentable over Krisbergh in view of Schein and further in view of Cunningham;

Claims 36-39 stand rejected as being unpatentable over Krisbergh in view of U.S Patent No. 6,285,407 to Yasuki;

Claim 40 stands rejected as being unpatentable over Krisbergh in view of Yasuki and further in view of Arledge;

Claim 41 stands rejected as being unpatentable over Krisbergh in view of Yasuki and further in view of Cunningham;

Claims 42-43 stand rejected as being unpatentable over Krisbergh in view of Yasuki and further in view of Tyroler; and

Claim 44 stands rejected as being unpatentable over Krisbergh in view of Yasuki and further in view of Schein.

It is respectfully submitted that at the very minimum, the above cited combinations of references, all of which are combined with Krisbergh, are legally deficient to establish a *prima facie* case of obviousness against the claims because none of the cited combinations discloses or suggests, for example, return information signals that are independently transmitted from a television signal. One advantage of the present invention is that a communication device can be coupled to a conventional television set (which essentially acts as a display device), or any other display device such as a computer monitor, whereas the Krisbergh system is an integral part of the television communication system, and the communication units can not be independently operated from such television distribution network. Accordingly, for at least the above reasons, withdrawal of the obviousness rejections is respectfully requested.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank V. DeRosa', with a long horizontal flourish extending to the right.

Frank V. DeRosa  
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